



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**Planning Commission**

Promoting the wise use of land

<b>MEETING DATE</b> October 22, 2015 <b>EFFECTIVE DATE</b> November 5, 2015	<b>CONTACT/PHONE</b> Jay Johnson (805) 781-4573 jgjohnson@co.slo.ca.us	<b>APPLICANT</b> Nipomo Business Center, LLC	<b>FILE NO.</b> DRC2015-00017
<b>SUBJECT</b> A request by Nipomo Business Center, LLC to amend a previously approved Conditional Use Permit to allow an existing, legal, nonconforming billboard to remain for an additional 15 years. The project site is located on the south corner of Story Street and South Frontage Road in the community of Nipomo, in the South County planning area.			
<b>RECOMMENDED ACTION</b> Approve Conditional Use Permit DRC2015-00017 based on the findings listed in Attachment 1 and the conditions listed in Attachment 2.			
<b>ENVIRONMENTAL DETERMINATION</b> A General Rule Exemption was issued on August 26, 2015 (ED15-047).			
<b>LAND USE CATEGORY</b> Commercial Service	<b>COMBINING DESIGNATION</b> None	<b>ASSESSOR PARCEL NUMBER</b> 092-158-019	<b>SUPERVISOR DISTRICT(S)</b> 4
<b>PLANNING AREA STANDARDS:</b> None Applicable			
<b>LAND USE ORDINANCE STANDARDS:</b> 22.20.040C – Prohibited signs and sign materials 22.72.060B – Additional buildings, structures or uses (on the same site as a nonconforming structure) 22.72.070 – Nonconforming signs 22.72.080 – Destroyed Nonconforming Structures and Signs			
<b>EXISTING USES:</b> Billboard sign and outdoor seating area adjacent to a commercial building under the same ownership (on a separate parcel)			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> <i>Northwest:</i> Residential Single Family/ residence <i>Northeast:</i> Highway 101 <i>South:</i> Commercial Service/ business center		<b>PROPOSED SERVICES:</b> Water supply: N/A Sewage Disposal: N/A Fire Protection: Cal Fire	
<b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b> The project was referred to: Public Works, Environmental Health, Cal Fire, and the South County Advisory Council			
<b>TOPOGRAPHY:</b> Nearly level with gentle slopes  <b>VEGETATION:</b> Ornamental landscape		<b>ACCEPTANCE DATE:</b> August 26, 2015	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

## PROPOSED PROJECT AND BACKGROUND

The applicant's request is to amend a previously approved Conditional Use Permit (S000182U) to permit an existing billboard to continue for an additional 15 years. S000182U was approved by the Planning Commission on April 12, 2001. The approval was for seven residential lots and seven commercial lots. The billboard occupies one of those commercial lots; the remainder of the tract has been built out. At the time of the original approval, and prior to the subdivision of the property, the billboard was a legal, nonconforming sign on the parent parcel.

Land Use Ordinance Section 22.72.060B makes provisions for adding conforming buildings and uses to a site that contains a nonconforming structure. Section 22.72.060B states:

"The Review Authority may also require through conditions of approval that the nonconforming building or structure be brought into compliance with any applicable provisions of this Code if they find that the correction is necessary to enable making the finding required for the approval of a Minor Use Permit or Conditional Use Permit by Section 22.62.060, or to avoid other anticipated problems with the new proposed use."

In approving the project the Planning Commission determined to place a termination date of September 30, 2015 on the sign rather than require the sign to be removed concurrently with the development of the project.

The applicant is requesting an amendment to the Conditional Use Permit to grant an additional 15 years for the billboard. The applicant is also requesting the privilege to replace or restore the sign during that 15 year time period, if necessary.

## LAND USE ORDINANCE STANDARDS

In addition to Section 22.72.060B mentioned above, the following sections apply to this project:

- Section 22.20.040.C.3 prohibits off-premises signs including billboards.

Because this sign was built prior to 1990 with a state Department of Transportation permit, this sign is considered legal nonconforming and is therefore subject to Section 22.72.070 – Nonconforming signs.

- Section 22.72.070 – Nonconforming signs. The use of (this) legal nonconforming sign may be continued as follows:
  - Section 22.72.070.A Expansion - Free standing sign. A free-standing sign shall not be increased in area or lighting intensity; or moved from its location on the effective date of this Title or amendment to this Title which created nonconformity, unless relocated in compliance with this Title.
  - Section 22.72.070.D Discontinued use. Once a nonconforming off-premise sign is removed from a site, it shall not be reconstructed or replaced.
  - Section 22.72.070.E. Public nuisance. Any nonconforming sign that is found to present a danger to the public or becomes unsightly because of disrepair or lack of proper maintenance may be declared a public nuisance by the Commission and abated as set forth in Chapter 22.74 (Enforcement).

- Section 22.72.070.F. Destroyed sign. Restoration of a destroyed or partially destroyed nonconforming sign is subject to Section 22.72.080 (Destroyed Structures and Signs).
- Section 22.72.080 – Destroyed Nonconforming Structures and Signs. The replacement of a destroyed nonconforming building, structure or sign shall occur only as allowed by this Section.

A. Replacement of destroyed non-residential structures.

1. If a nonconforming structure, a structure that constitutes a nonconforming land use(Section 22.72.050) or a nonconforming sign is destroyed or partially destroyed to the extent of 75 percent or more of the replacement cost (as determined by the County Fee Ordinance) of the total structure before destruction by fire, explosion or act of God, the destroyed use, structure or sign may be replaced or reconstructed only when the use, structure or sign and the site on which it was located are in conformity, or are brought into conformity with all applicable requirements of this Title.
2. If a nonconforming use, structure or sign is partially destroyed to less than 75 percent of its replacement cost, it may be restored to its former nonconforming status.

STAFF COMMENTS

New billboards and other off-premises signs have been prohibited in the Land Use Ordinance since its adoption in 1980. As mentioned above, the department has determined this sign to be a legal non-conforming sign based on our records of billboards in the Highway 101 corridor. If this sign had been located on a vacant lot without a development project, then, under the provisions of Section 22.72.070, it could have continued on that vacant parcel (in good repair) indefinitely. Staff supports the applicant's request to extend the life of the billboard based on the following:

- The sign will ultimately need to be removed when development is proposed on its current parcel. The site is about 1/3 of an acre in size and the sign's location would likely be in the footprint of a typical commercial building. Please refer to the site aerial and note the size of the neighboring commercial buildings. Should a smaller building be proposed, it would still be likely that the view of the sign would be obstructed. The original application was six acres in size, which gave room to work around the sign so it could be kept at the discretion of the Commission.
- This sign is located in an isolated situation that is not visually cluttered, and it has been part of the visual context of the Highway 101 corridor in Nipomo for many years. With the approval of this request, that visual context will remain unchanged.

The applicant is requesting the privilege to replace or restore the sign during the 15-year period. Sections 22.72.070.D and 22.72.080 specify the limitations on replacing or restoring the sign. The LUO does not provide for exceptions to those limitations. Please refer to condition number 2.

COMMUNITY ADVISORY GROUP COMMENTS:

A referral was sent to the South County Advisory Council no comments were received.

AGENCY REVIEW:

Public Works, Environmental Health and Cal Fire were given the opportunity to comment on the project. Each agency had no comment.

Staff report prepared by Jay Johnson and reviewed by Karen Nall.